(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 3174 of 2007

Petitioner *Applicant*	Nilesh Rajak, aged about 28 years, *son of Narmada Prasad Rajak, R/o* "Matri Chhaya" Tilak Nagar, Bilaspur, Tahsil and District Bilaspur (C.G.)
Versus	
Respondent *Nonapplicant*	Smt. Richa Rajak, aged about 22 *years, wife of Nilesh Rajak, D/o* Basant Kumar Kanaujiya, R/o Gudiyari, C/o Basant Kumar Kanaujiya, Railway Guard, near Shrinagar Gas Godown, Gudiyari, Raipur, Tahsil and District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE *CONSTITUTION OF INDIA*

SB: Hon'ble Justice **Satish K. Agnihotri**

Shri M. K. Bhaduri, Advocate for the petitioner.

ORDER

(Passed on this 14th day of June, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is the husband of the respondent. By order dated 25.3.2007 passed in Lok Adalat, the petitioner was directed to pay a sum of Rs. 1200/- p.m. towards maintenance in a petition filed under Section 125 of the Code of Criminal Procedure. Thereafter the Family Court in a divorce suit, being Case No. 302-A/2005 passed the order dated 30.4.2007 directing the petitioner to pay a sum of Rs. 800/- p.m. to the respondent as interim maintenance.
2. Learned counsel for the petitioner submits that the first order passed under Section 125 of the Cr.P.C is subject to adjustment in the order passed by the Family Court under Section 24 of the Hindu Marriage Act. There is no dispute with regard to the contention of the learned counsel. The petitioner does not question the quantum of the

amount payable by way of maintenance to the respondents. The petitioner further does not submit that the income of the petitioner/husband is not such, asto pay an amount of Rs. 2000/- p.m. (Rs. 1200/- + 800/-).

3. Be that as it may, the adjustment does not mean only the amount should be within the amount granted by the Civil Court. The adjustment means in addition whatever has been granted under the provisions of Section 125 of the Cr.P.C., some more amount can also be granted under Section 24 of the Hindu Marriage Act.
4. In view of the above, the grant of total sum of Rs. 2000/- under two provisions is permissible in law. Thus, there is nothing in the matter.
5. This petition is accordingly dismissed, summarily.

Sd/-
Satish K. Agnihotri
Judge

Thakur